

FILED
MAR 11 2011

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

UNITED STATES OF AMERICA,

10-CR-00086-BR

v.

AARON D. MONTAGLIONE,

Defendant.

**AMENDED PRELIMINARY ORDER
OF FORFEITURE AND FINAL
ORDER OF FORFEITURE AS TO
DEFENDANT AARON D.
MONTAGLIONE**

Defendant, Aaron D. Montaglione, entered into a plea agreement and pleaded guilty to Count 2 of the Indictment.

On March 25, 2010, a Bill of Particulars was filed in the above case, seeking forfeiture of property of defendant, Aaron D. Montaglione, pursuant to 18 U.S.C § 2253, as property involving visual depictions used to facilitate said violations charged in Count 2 of the Indictment.

Accordingly, it is ORDERED:

1. Based upon the defendant, Aaron D. Montaglione's, plea of guilty to Count 2 of the Indictment, and pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure and 18 U.S.C § 2253, the United States is authorized to seize the following property, and it is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n):

Seagate external hard drive, serial number 2GE14MOU.

2. The forfeited property is to be held by Customs and Border Protection in its secure custody, or, as may be necessary, Customs and Border Protection may appoint a substitute custodian, and is authorized to maintain and otherwise provide for the care of the property during the pendency of this action.

3. Pursuant to 21 U.S.C. § 853(n)(1) and Rule G(4) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States shall publish on the official government internet site, www.forfeiture.gov; notice of this order, notice of the Treasury's intent to dispose of the property in such manner as the Secretary of the Treasury may direct, and notice that any person, other than the defendant, having or claiming a legal interest in any of the above-listed forfeited property must file a petition with the court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property. The petition must be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in each of the forfeited properties and any additional facts supporting the petitioner's claim and the relief sought. The United States may also, to the extent

practicable, provide direct written notice to any person known to have alleged an interest in property that is the subject of this Preliminary Order of Forfeiture, as a substitute for published notice as to those persons so notified.

4. Pursuant to Rule 32.2(b) of the Federal Rules of Criminal Procedure, this Preliminary Order of Forfeiture shall become final as to defendant, Aaron D. Montaglione, at the time of sentencing and shall be made part of the sentence and included in the judgment.

5. Following the Court's disposition of all petitions filed, or if no such petitions are filed within the time prescribed by law, upon proof of publication and proof of notice to any persons known to have alleged an interest in the property, the United States shall have clear title to the property as provided in Rule 32.2(c)(2) of the Federal Rules of Criminal Procedure.

IT IS SO ORDERED this 11 day of March, 2011.



ANNA J. BROWN
United States District Judge

Presented by:

DWIGHT C. HOLTON
United States Attorney

/s/ Leslie J. Westphal
LESLIE J. WESTPHAL, OSB #83344
Assistant United States Attorney